

CRM-M-29225 of 2018

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-29225 of 2018
Date of Decision: 13.07.2018

State of U.T., Chandigarh

....Petitioner

Versus

Ravneet @ Bittu

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Lalit K. Gupta, Advocate,
for the petitioner

RAMENDRA JAIN, J. (ORAL)

Through the the instant petition under Section 482 Cr.P.C., prayer has been made by the petitioner State of U.T., Chandigarh, for setting aside order dated 11.06.2018 of the trial Court, whereby the application filed under Section 311 Cr.P.C for recalling the Investigating Officer SI Eram Rizvi as a witness, has been rejected .

Chargesheet was framed by the trial Court on 02.02.2018 and the case was adjourned to 01.03.2018 for examination of prosecution witnesses. There were six prosecution witnesses, out of whom three were examined, two expired during trial and only Investigating Officer named above left to be examined. However, the evidence of the prosecution was closed by Court order on 28.05.2018 i.e. within 3½ months.

In para 8 of the petition, the details of earned/medical leave taken by the Investigating Officer, SI Eram Rizvi are given, whereby right from 20.01.2018 till 07.07.2018, she remained on leave on account of giving

Birth to twins, who died immediately after birth. The pregnancy of the said

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investigating Officer was declared by the doctors as 'high risk'. Therefore, it is apparent that the Investigating Officer remained on leave under the aforesaid circumstances before the date of framing charge till closure of prosecution evidence by Court order and thereafter, till 07.07.2018.

Considering this aspect of the matter, the prosecution is permitted to examine the Investigating Officer SI Eram Rizvi. Consequently, the petition is accepted. The impugned order is set aside. The trial Court is directed to record the statement of Investigating Officer SI Eram Rizvi, who is the material and eye-witness as well of the occurrence.

July 13, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No